

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0228

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1037** - 2/2/98

Introduced by: The Committee on Health and Human Services at the request of the Department
of Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to grant and modify the inspection powers of the Board of
2 Nursing and the Board of Medical and Osteopathic Examiners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 After giving reasonable notice, any of the board's officers, agents, or employees so
7 authorized, may enter and inspect, during business hours, any place where the services of a
8 registered nurse, a licensed practical nurse, a clinical nurse specialist or a nurse anesthetist are
9 performed, or any place where records concerning these services are maintained or may request
10 copies of these records at the board's expense, for the purpose of investigating alleged violations
11 of § 36-9-49, 36-9-49.1, or 36-9-68. The inspection may include any pertinent books, records,
12 papers, and documents, and the copying thereof. The board, its officers, agents, and employees
13 shall maintain the confidential nature of any records obtained pursuant to this section. The refusal
14 to allow an inspection is a Class 1 misdemeanor.

15 Section 2. That § 36-9A-7 be amended to read as follows:

1 36-9A-7. ~~In administering the provisions of this chapter, the boards shall have those powers~~
2 ~~granted them by § 36-4-22.1.~~ For the purposes of investigating claimed violations of § 36-9A-29,
3 36-9A-30, 36-9A-32, or 36-9A-35, and after giving reasonable notice, any of the boards'
4 officers, agents, or employees so authorized, may enter and inspect, during business hours, any
5 place where the services of a nurse practitioner or a nurse midwife are performed, or any place
6 where records concerning those services are maintained, for the purpose of enforcing this chapter
7 and rules adopted pursuant to this chapter. The inspection may include any pertinent books,
8 records, papers, and documents, and the copying thereof. The boards, their officers, agents, and
9 employees shall maintain as confidential any records obtained pursuant to this section. The
10 refusal to allow an inspection is a Class 1 misdemeanor.

1 **BILL HISTORY**

2 1/13/98 First read in House and referred to Judiciary. H.J. 26

3 1/21/98 Scheduled for Committee hearing on this date.

4 1/28/98 Scheduled for Committee hearing on this date.

5 1/28/98 Judiciary Do Pass Amended,.

6 1/28/98 Judiciary Deferred to another day.

7 1/30/98 Scheduled for Committee hearing on this date.

8 1/30/98 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 316